HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 1509 of 2005 (SS)

Kanti Ballabh Kandpal s/o Sri Padma Dutt Kandpal
Mandi Supervisor, krishi Utpandan Mandi Samiti
Dehradun ..... Petitioner

Versus

1. Director, Uttaranchal Krishi Uptpadan mandi Parishad, Haldwani, District Nainital
2. State of Uttaranchal
3. Chairman, Krishi Utpadan Mandi Samiti Rishikesh.
4. Sri Arjun Singh, Incharge Secretary, Krishi Utpadan Mandi Samiti, Rishikesh. ..... Respondents

Sri Manoj Tiwari, Advocate for the petitioner
Standing Counsel and Sri J.C. Belwal for the respondents.

Dated: 15.2.2006

Hon'ble Rajesh Tandon J.

Heard Sri Manoj Tiwari counsel for the petitioner and Sri J.C. Belwal, Advocate for respondent no. 1 and 3 and Standing Counsel for State of Uttaranchal.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing for the order dated 21.9.2005 passed by the respondent no. 1 by which the petitioner was transferred from Rishikesh to Dehradun whereas respondent no. 4 Arjun Singh has been transferred from Kashipur to Rishikesh.

Briefly stated the petitioner was posted as Incharge Mandi Secretary in Mandi Samiti, Rishikesh in July 2004 and he

joined there on 21.7.2004. Thereafter he was promoted as Mandi Supervisor in May 2005. One Sri Anand Singh Rawat retired from the post of Mandi Secretary from Kashipur on 3.15.2005 and after his retirement, he was appointed as Secretary, Mandi Samiti, Dehradun on contract basis for a period of one year.

While filing the writ petition on 7.10.2005 direction was made that Sri Arjun Singh Shall not be appointed on the post of Incharge Secretary in Mandi Samiti, Rishikesh. Thereafter on 23.12.2005 order was passed that if Sri Arjun Singh is already serving at Rishikesh as Secretary, he shall be allowed to continue on the said post. After such order was passed it has been informed that Arjun Singh is already working at Bazpur as Incharge Secretary, Mandi Samiti and as such the post at Rishikesh is still lying vacant. It appears from the order dated 20.10.2005 that in compliance of order dated 7.10.2005 passed by this Court temporary arrangements were made and Sri Mohan Lal was accommodated on the post of Secretary, Mandi Samiti till fresh orders are passed by this Court.

The petitioner has submitted that in view of the order dated 20.10.2003 post at Rishikesh is still lying vacant and he may be accommodated on that post. Since the petitioner was transferred on administrative exigency as will appear from the order itself but till today the post of Secretary is lying vacant at Rishikesh, therefore, respondents are directed to consider the case of the petitioner for accommodating him at Rishikesh.

In view of the observations as made above, the respondents are directed to pass a fresh order regarding posting of the petitioner.

Subject to the aforesaid observations, the writ petition is disposed of. No order as to costs.

Dated: 15.2.2006 **Rajesh Tandon J.**

*Dhyani